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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000757

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DEPARTMENT FOR EUR(DICARLO), EUR/SCE(HOH/FOOKS/STINCHCOMB);
OSD FOR BIEN; NSC FOR BRAUN

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TAGS: [PGOV](#) [PINR](#) [PREL](#) [KAWC](#) [RU](#) [BK](#)

SUBJECT: BOSNIA - NO GOOD OPTIONS ON SREBRENICA

REF: SARAJEVO 735

Classified By: Ambassador Charles English. Reason 1.4(b) and (d).

¶11. (C) SUMMARY: Quint Ambassadors met with High Representative Lajcak on April 24 to discuss options for addressing concerns that the October 2008 municipal elections could put Serbs in control of the entire Srebrenica municipal administration. This outcome would likely spark another destabilizing political crisis in Bosnia. The HighRep presented four options, but noted that any option acceptable to the Serbs was unlikely to be acceptable to the Bosniaks and vice versa. He warned that the international community needed to decide on a course of action quickly because any changes to state and/or entity laws relating to elections had to be in place by May 8. The HighRep reported that both the Serbs and the Russians had warned of a political confrontation if the Bonn Powers were used to resolve the issue, which was likely if the international community wanted a solution that would effectively address the problem. The Germans expressed concern about use of the Bonn Powers, but the British, speaking without instructions, predicted HMG would support the HighRep if he used them. We proposed focusing our energies on securing a solution that would most effectively address the potential problem (i.e., amending BiH Election Law to allow all those who had lived in Srebrenica in 1991 the right to vote there rather than their current municipality of residence, if they wish) even as we pursued other less than ideal options. With this in mind, the Ambassador will raise the issue of amending BiH Election Law with Dodik and other Bosnian Serb officials during an April 28-29 visit to Banja Luka. We stressed that the HighRep and the international community could make a final decision how hard to press this proposal or pursue other options sometime during the week of April 28. At that point, we will need guidance from Washington. END SUMMARY

The Problem: The Politics of Genocide

¶12. (C) The results of the 2008 municipal elections, which will take place in October, could put Serbs in control of the entire Srebrenica municipal administration. This outcome -- coming a year after the ICJ judgment that genocide took place in and around Srebrenica in July 1995 -- could provoke another destabilizing political crisis. The precise nature of the crisis is difficult to predict, but it would almost certainly further radicalize Bosniak politics just as the initial ICJ verdict did. (Note: The Reis-ul-ulema, Head of Bosnia's Islamic Community, has already warned the Ambassador, the

HighRep, and Special Envoy Bond that Bosniaks "must keep control of Srebrenica" and argued that the international community has an obligation to "make this happen." End Note) Any such crisis would eventually provoke an equal and opposite reaction from the Serbs -- again the experience with the fallout from the ICJ verdict is instructive. With this in mind, the HighRep has privately and publicly committed himself, and by extension the international community, to take measures to address the issue.

OHR's Options

¶3. (C) The HighRep presented to Quint Ambassadors on April 24 four options for addressing the issue. (Note: Lajcak will present the same options to the Steering Board Ambassadors on April 25. End Note) The HighRep's options were:

- 1) Facilitate political arrangements between Bosniaks and Serbs, such as ensuring that RS-based parties do not propose any mayoral candidate or that RS-based parties run more than one candidate to split the Serb vote and/or ensuring that Bosniak parties run a single candidate for mayor.
- 2) Amend the Srebrenica Municipal Statute to provide protections to the Bosniaks against a Serb majority by changing how the Srebrenica Municipal Assembly functions.
- 3) Amend the RS Law on Local Self-Government to provide Srebrenica with special treatment, such as guaranteed quotas for Bosniaks in the Municipal Assembly and/or a reduction of the mayor's executive authority.
- 4) Amend the BiH Election Law in a manner that increases the potential pool of Bosniak voters in Srebrenica (i.e., by allowing all those who had lived in Srebrenica in 1991 the

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right to vote there rather than their current municipality of residence, if they wished)

Timing: May 8 is a Critical Date

¶4. (C) By law Bosnian elections must be held on the first Sunday in October. This year that is October 5. BiH Election Law also contains a series of legal deadlines that flow from the October 5 date. This includes the date by which the Central Election Commission (CEC) must announce the election and by which no further changes to any law impacting the election may be made, including entity laws. This year this deadline falls on May 8 - 150 days in advance of the election date. Any change to this deadline or to the election date itself would require the HighRep to use his Bonn Powers to amend BiH Election Law. Officials from the Council of Europe, the Venice Commission and from other European organizations have warned OHR that they would look "unfavorably" on any such measure. With a two-day Bosnian holiday next week, there are only four business days between now and May 8 to build consensus around a proposal that requires changing Bosnian law (Options 3 and 4), and if that failed, to make a decision to impose a change using the Bonn Powers. The HighRep told the Quint that he believed that the May 8 date provides some political leverage for securing agreement from the Serbs on Options 1 and 2, but noted that there was no legal requirement for agreement on them by that date.

The Serbs: Some Awareness, Plenty of Redlines

¶5. (C) The international community, including the Ambassador, has raised Srebrenica with Dodik, several of his key advisors, and other senior RS officials over the last several weeks, underscoring the historical and political significance of Bosniaks losing control of Srebrenica's municipal administration. OHR believes that Dodik is beginning to grasp the potential domestic and international political problems he will confront if the Bosniaks lose control of

Srebrenica in October. At the same time, OHR acknowledges that Dodik has also publicly vowed to work for an SNSD victory in Srebrenica and laid out a series of redlines that make finding a solution almost impossible (i.e., no amendments to RS law, no special treatment for Srebrenica - Options 3 and 4). Finally, Dodik's staff have warned OHR that if the HighRep uses his Bonn Powers to impose a solution, the RS's reaction will "be even stronger" than its reaction to the October 19 imposition.

The Russians: Prepared to Back Dodik's Play

¶16. (C) The HighRep informed the Quint that he had received a tough and unequivocal message from the Russian Ambassador on Srebrenica earlier in the day. The Russian Ambassador said that the only solution to the Srebrenica issue was a political and/or legal one worked out by the Serbs and Bosniaks themselves. The Russian Ambassador argued that "there was absolutely no justification for the use of the Bonn Powers, claiming that Srebrenica had nothing to do with the HighRep's mandate. The Russian Ambassador then warned that if the Bonn Powers were used, Moscow would support "any response" from Banja Luka. (Comment: We expect the Russian Ambassador to repeat these warnings at the April 25 meeting of the Steering Board Ambassadors. End Comment)

The Bosniaks: Divided

¶17. (C) The Bosniaks want a solution that provides Srebrenica with some form of special treatment and that increases the likelihood that Bosniaks will retrain control of the Srebrenica Municipal Administration, such as Option 4. This option would restore voting rights to former (1991) Srebrenica residents that they previously enjoyed and level the playing field somewhat against the Serbs, who now outnumber the Bosniaks by close to four-to-one on the ground in Srebrenica. It would not guarantee Bosniak control of the Assembly or the mayoralty without a lot of hard work by Bosniak parties to get out the vote, however. The Bosniak political leadership is unlikely to find a solution involving

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changes to the municipal statue by itself satisfactory (Option 2), though the HighRep noted that Srebrenica Mayor Abduraham Malkic and Srebrenica Speaker Radomir Pavlovic have been independently discussing possible amendments. Finally, the HighRep reported that OHR has spoken with Party for Democratic Action (SDA) and Party for BiH (SBiH) about running a single Bosniak candidate in Srebrenica (Option 1), but thus far, both have refused.

Quint Reactions

¶18. (C) All Quint Ambassadors agreed with Lajcak that "doing nothing" was not a viable or acceptable option, but they also quickly rejected pressing for changes to the RS Law on Local Self-Government (Option 3), which they argued was most likely to inflame Dodik and the Serbs. The German Ambassador cautioned that Berlin was unlikely to support use of the Bonn Powers to impose any solution. The British Ambassador, noting that he had no instructions, predicted that HMG would support use of the Bonn Powers if Lajcak believed it necessary, and he cautioned against unilaterally disarming ourselves prior to serious negotiations with either the Serbs or the Russians. He also raised concerns about solutions that were inconsistent with broader international community in Bosnia (e.g., indirect election of the Srebrenica mayor; introduction of a constituent people veto in the Municipal Assembly). The French and the Italian did not offer a view on the Bonn Powers, but the French supported a "political solution." The HighRep noted that his preference was to restore to 1991 residents of Srebrenica their former voting rights (Option 4) because this addressed the problem directly

and was the best outcome "morally." Nonetheless, he concluded, some combination of a political arrangement and changes to the municipal statute were the most practical solution, even if these fell short of addressing Bosniak concerns, if the goal was to avoid a confrontation with the RS.

Comment and Next Steps

¶ 9. (C) We suggested that OHR and the Quint keep all options open for the time being. We repeated what we had told the Steering Board Ambassadors several weeks ago: there was a compelling argument for providing Srebrenica with special treatment (though not special status). With this in mind, and all other things being equal, this argued for pursing OHR's Option 4 - amending BiH Election Law. We proposed to the Quint that we pursue this option even as we work with Mayor Malkic and Speaker Pavlovic on amending the municipal statute and with the Bosniak political leaders on securing an agreement to run a single candidate for mayor. (Note: OHR is already working on a draft municipal statute that reflects the Malkic-Pavlovic exchanges to date. End Note) The Ambassador travels to Banja Luka on April 28-29 to meet with Dodik and other Bosnian Serb officials, including President Radmanovic. We plan to raise the OHR proposal to amend BiH Election Law. Though time is very short, we can let these exchanges play out over two or three days before we must make a final decision about how far we want to press the proposal, including whether we are prepared for a possible confrontation with Dodik over its imposition. At that time, we will need clear guidance from Washington about next steps.

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